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8 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No.

2010-76

12 **MARIA G. WOMACK**  
1531 Siemering Way  
13 Stockton, California 95209

**A C C U S A T I O N**

14 **Registered Nurse License No. 540182**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed, RN ("Complainant") brings this Accusation solely in her  
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"),  
21 Department of Consumer Affairs.

22 **Registered Nurse License**

23 2. On or about January 30, 1998, the Board issued Registered Nurse License Number  
24 540182 to Maria G. Womack ("Respondent"). The registered nurse license was in full force and  
25 effect at all times relevant to the charges brought herein and will expire on April 30, 2011, unless  
26 renewed.

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1 terminated from the diversion program by a diversion evaluation committee shall be  
2 reported by the diversion evaluation committee to the board.

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4 7. Code section 2770.11 states in relevant part that:

5 (b) If the program manager determines that a registered nurse, who is denied  
6 admission into the program or terminated from the program, presents a threat to the  
7 public or his or her own health and safety, the program manager shall report the name  
8 and license number, along with a copy of all diversion records for that registered  
9 nurse, to the board's enforcement program. The board may use any of the records it  
10 receives under this subdivision in any disciplinary proceeding.

11 8. Code section 2761 states, in pertinent part:

12 The board may take disciplinary action against a certified or licensed nurse or  
13 deny an application for a certificate or license for any of the following:

14 (a) Unprofessional conduct. . .

15 9. Code section 2762 states, in pertinent part:

16 In addition to other acts constituting unprofessional conduct within the meaning  
17 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person  
18 licensed under this chapter to do any of the following:

19 (b) Use any controlled substance as defined in Division 10 (commencing with  
20 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous  
21 device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner  
22 dangerous or injurious to himself or herself, any other person, or the public or to the  
23 extent that such use impairs his or her ability to conduct with safety to the public the  
24 practice authorized by his or her license.

### 25 **COST RECOVERY**

26 10. Code section 125.3 provides, in pertinent part, that the Board may request the  
27 administrative law judge to direct a licentiate found to have committed a violation or violations of  
28 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
enforcement of the case.

### 29 **FIRST CAUSE FOR DISCIPLINE**

#### 30 **(Use of Controlled Substances and Alcohol)**

31 11. Respondent has subjected her license to discipline pursuant to Code section 2761,  
32 subdivision (a), on the grounds of unprofessional conduct, as defined in Code section 2762,  
33 subdivision (b), in that on March 16, 2007, while on duty as a registered nurse at Dameron  
34 Hospital, Stockton, California, Respondent used alcohol and/or controlled substances to an extent

1 or in a manner dangerous or to the extent that such use impaired her ability to conduct with safety  
2 to the public the practice authorized by her license.

3 a. Respondent was assigned to the Post Anesthesia Care Unit and had been assigned  
4 patients to administer narcotic drugs to and monitor. During her shift, Respondent was observed  
5 by various hospital staff to be exhibiting signs of impairment such as slurred speech, difficulty  
6 focusing, awkward gait, and closing her eyes for long periods of time.

7 b. Respondent admitted to hospital personnel that she drank approximately one shot  
8 (two swallows) of vodka at approximately 7:00 a.m. on March 16, 2007, arriving to work at 10:30  
9 a.m. Respondent further admitted to ingesting Lexapro and Trazodone during her shift between  
10 12:00 p.m. and 2:00 p.m. that caused her to feel "tired and loopy." Respondent was asked to go  
11 to Occupational Health for a drug test and medical assessment, but refused.

12 c. Concerned for Respondent's safety, another nurse attempted to take Respondent's car  
13 keys away from her when Respondent got in her vehicle to drive home. Respondent refused to  
14 give her keys to the nurse and quickly left the hospital parking lot, nearly striking the nurse with  
15 her vehicle. Respondent was subsequently terminated from employment.

16 d. From approximately June 18, 2007 through August 14, 2007, while in the Board's  
17 Diversion Program, Respondent used alcohol as follows:

- 18 1. July 4, 2007, tested positive for alcohol
- 19 2. July 9, 2007, tested positive for alcohol
- 20 3. July 27, 2007, tested positive for alcohol
- 21 4. August 1, 2007, tested positive for alcohol.

22 e. On or about August 14, 2007, pursuant to code section 2770.11, Respondent was  
23 terminated from the Diversion Program as a public safety risk due to her continued relapses and  
24 her behavior in accessing alcohol even while in inpatient treatment. Respondent smuggled her  
25 cell phone into the facility and ordered bottles of alcohol to be delivered via taxi service with the  
26 taxi driver tossing the bottles over the fence at the facility. This occurred on three separate  
27 occasions.

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**PRAYER**

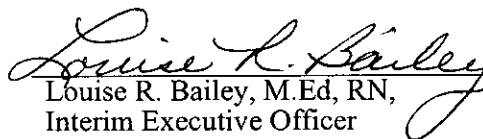
WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 540182, issued to Maria G. Womack;

2. Ordering Maria G. Womack to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

3. Taking such other and further action as deemed necessary and proper.

DATED: 8/11/09

  
Louise R. Bailey, M.Ed, RN,  
Interim Executive Officer  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California  
*Complainant*

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